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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,548	11/20/2001	Lennart Olsson	213542000101	4181

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EXAMINER

DIBRINO, MARIANNE NMN

ART UNIT	PAPER NUMBER
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1644

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

01282005

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Commissioner for Patents

The communication filed on 11/12/04 is non-responsive to the the communication mailed 5/6/04 because there are no pending claims drawn to the originally elected invention for which an action on the merits has been received by Applicant. Newly amended base claim 37 and newly added base claim 47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 37 and 47 are methods of modulating the activity of a type 2 cell surface receptor AND a T-cell receptor, whereas the originally elected invention is a method of modulating the activity of a cell surface receptor comprising a contacting step in the absence of the species of exogenous ligand EPO and wherein the level of receptor activation is increased and wherein the species of exogenous compound is an oligopeptide consisting of the sequence of SEQ ID NO: 11. In addition, claim 38 is drawn to a non-elected species of exogenous compound. Accordingly, claims 37-48 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03.

In addition, The communication filed on 11/12/04 is not fully responsive to the communication mailed 5/6/04 for the following reason: the claims have not been amended properly under 37 C.F.R. 1.121(c)(1)(ii), i.e., the claim set must show all the changes relative to the previous version. With regard to the amendment of claim 37, the claim set does not indicate the addition of a comma after the limitation "Group" at line 8 and the deletion of a comma after the limitation "sequence" at line 2 is indicated by a double bracket for a limitation that was not present in the previous version of claim 37.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Marianne DiBrino, Art Unit 1644, whose telephone number is 571-272-0842.

CHRISTINA CHAN

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